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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

14 UNITED STATES OF AMERICA,) No. CR-10-70047 LB
15 Plaintiff,)
16 v.)
17 JESSE JAMES REDONDO,)
18)
19 Defendant.)
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**[PROPOSED] ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL
ACT, AND WAIVING TIME FOR
PRELIMINARY HEARING**

Date: March 18, 2010
Time: 10:00 a.m.
Court: Hon. Laurel Beeler

22 I. PROCEDURAL HISTORY

23 On January 26, 2010, a criminal complaint was filed against Defendant, Jesse James
24 Redondo, alleging a violation of 21 U.S.C. § 841(a)(1). On January 27, 2010, an initial
25 appearance occurred where Defendant was advised of his rights and the charges. The Court
26 ordered time excluded under the Speedy Trial Act from February 1, 2010, to February 25, 2010
27 because (A) failure to grant the requested continuance would unreasonably deny defense counsel
28 reasonable time necessary for effective preparation, taking into account the exercise of due

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1 diligence, and (B) the ends of justice served by excluding time outweigh the best interest of the
2 public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The
3 Defendant also waived time under which the Court must hold a preliminary hearing, pursuant to
4 Rule 5.1 of the Federal Rules of Criminal Procedure. On February 25, 2010, the parties
5 stipulated to exclude time under the Speedy Trial Act until March 18, 2010,
6 for effective preparation of defense counsel and to allow the defense time to evaluate the
7 evidence in the case. 18 U.S.C. § 3161(B)(iv). The Defendant again waived time for a
8 preliminary hearing under Rule 5.1. The Court ordered an exclusion of time until March 18,
9 2010.

10 **II. SPEEDY TRIAL ACT**

11 At the hearing on March 18, 2010, at the request of the government and with the
12 agreement of defense counsel, the Court excluded time under the Speedy Trial Act, 18 U.S.C. §
13 3161, from March 18, 2010 to April 6, 2010, to enable Defendant's newly hired counsel, Joseph
14 Mastro, time to become admitted to practice in the Northern District of California and time to
15 meet with his client and review the discovery. The Court found that (A) failure to grant the
16 requested continuance would unreasonably deny defense counsel reasonable time necessary for
17 effective preparation, taking into account the exercise of due diligence, and (B) the ends of
18 justice served by excluding the period from March 18, 2010 to April 6, 2010, outweigh the best
19 interest of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A) and
20 (B)(iv).

21 **III. PRELIMINARY HEARING**

22 At the hearing, Defendant agreed to waive the time under which the Court must hold
23 preliminary hearing, pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure.
24 Defendant's counsel indicated that the Defendant has not discussed with his newly hired counsel
25 whether to accept the United States' plea offer that may result in Defendant waiving indictment,
26 and therefore needs additional time beyond the 10 days otherwise provided for in the Rules of
27 Criminal Procedure to evaluate the offer. Accordingly, the Court found that the Defendant
28 knowingly and intelligently waived time under 5.1(c) until April 6, 2010.

1 IV. CONCLUSION

2 Time is excluded under the Speedy Trial Act between March 18, 2010 to April 6, 2010.

3 Time for a preliminary hearing is waived under Rule 5.1 until April 6, 2010.

4 IT IS SO ORDERED

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7 DATED: March 25, 2010

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LAUREL BEELER
United States Magistrate Judge

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